

Application No. 10/602,719
Amendment dated January 18, 2006
Reply to Office Action of October 18, 2005

Docket No.: 1381-0297P

REMARKS

Claims 9-25 are now present in this application.

The title and specification have been amended, the abstract has been presented, claims 1-8 have been cancelled without prejudice or disclaimer, and claims 9-25 have been presented. Reconsideration of the application, as amended, is respectfully requested.

The Examiner has noted the election of species requirement between the following species:

Species A, Figs. 1 and 3; and

Species B, Figs. 2 and 4.

The Examiner has also noted Applicant's election with traverse of species A, as shown in Figs. 1 and 3. Independent claim 9 should now be generic to both species. Claims 10, 11, 12, 13, and 18-25 should all read on this elected species. It is noted that the Examiner initially considered claim 4 to not read on the elected species. However, it is noted that claims 12 and 13, for example, recite a diverting pulley with a plane of rotation parallel to the wall of the elevator shaft. At least one of the plurality of diverting pulleys in the Fig. 1/3 embodiment is parallel to the wall. Dependent claims 14 and 17, for example, recite that all of the diverting pulleys have a plane of rotation parallel to the wall of the elevator shaft, or all of the diverting pulleys are in the same plane. This is directed to the embodiment of Figs. 2 and 4. Nonetheless, as will be explained below, independent claim 9 should now be in condition for allowance. As such, the election of species requirement should be withdrawn. Moreover, it is respectfully submitted that it should be no undue burden for the Examiner to consider all claims in the instant application. Therefore, it is also again requested that the election of species be withdrawn.

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The Examiner has objected to the title. In view of the foregoing amendments, it is respectfully submitted that this objection now be reconsidered and withdrawn.

The disclosure stands objected to because it refers to claims. Because the foregoing amendments have removed the reference to the claims, this objection should now be reconsidered and withdrawn.

Claims 1-3, 7 and 8 stand rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that the claims should particularly point out and distinctly claim the subject matter of the instant invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-3 and 8 stand rejected under 35 USC 102(a) as being anticipated by WO 00/27739. This rejection is respectfully traversed.

It is submitted that the claims as originally filed should have been clear. Nonetheless, independent claim 9 should now make it clear that there is an elevator car, car guide rails, and counterweight guide rails. The car guide rails, the plurality of diverting pulleys in the upper part of the shaft and the drive motor and traction sheave are all on the same side of the elevator car. This arrangement is simply not shown by the WO '739 document. As seen in both Figs. 1 and 2, the two car guide rails A are on opposed sides of the elevator car. The arrangement of the elevator of the present invention will help minimize the space required in the shaft. A rucksack-type structure will take up as little space as possible in the transverse direction of the shaft, so as to allow a maximally effective utilization of the elevator shaft space. This arrangement can be installed in a confined space. Independent claim 9 sets forth an arrangement which is neither

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suggested nor rendered obvious by the WO '739 documents. As such, the 35 USC 102(a) rejection should now be reconsidered and withdrawn.

Claims 1, 7 and 8 stand rejected under 35 USC 103 as being unpatentable over Janovsky, "Elevator Mechanical Design: Principles and Concepts," in view of WO 00/44664. This rejection is respectfully traversed.

In Fig. 3.5, the Janovsky disclosure shows a roping system for overhead position of the machine, single wrap drive, roping factor 4. This appears merely to be a schematic diagram. There is no teaching of where the elevator guide rails or counterweight guide rails are provided. Nonetheless, it would seem that they would be simply to the sides of the elevator and counterweight. The Examiner has then utilized the teachings of WO '664 to allege that these elements can be rearranged to be between the guide rails as shown in this publication. However, it is respectfully submitted that there is no motivation in the utilized prior art for such a rearrangement. Nonetheless, independent claim 9 comprises a plurality of diverting pulleys mounted in the upper part of the shaft. This is not found in the WO '664 document. If the roping arrangement of Janovsky were modified as proposed by the Examiner, the roping arrangement of the WO '664 publication would be obtained. Thus, the claimed elevator would not be found. Other claims further distinguish the instant invention from the utilized prior art. Nonetheless, it is respectfully submitted that independent claim 9 would neither be suggested nor rendered obvious over the Janovsky either alone or as modified by the WO '664 publication. As such, it is respectfully requested that the 35 USC 103 rejection now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

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Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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